

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DARRELL WAYNE BUMPAS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>NO. 3:20-cv-00999</b>
	)	
<b>WARDEN KEVIN GENOVESE,</b>	)	<b>JUDGE CAMPBELL</b>
	)	
<b>Respondent.</b>	)	

**MEMORANDUM AND ORDER**

Petitioner Darrell Bumpas has filed a Motion to Reopen district court proceedings on his petition for writ of habeas corpus. (Doc. No. 30.)

On April 28, 2021, the Court dismissed this habeas corpus action without prejudice so that Petitioner could pursue available state remedies, after finding that the circumstances of the case did not warrant a stay of federal proceedings in lieu of dismissal. (Doc. No. 22.) Petitioner subsequently appealed the dismissal to the Sixth Circuit Court of Appeals. That appeal remains pending; Petitioner’s most recent filing was entered on the appellate docket on December 27, 2021. (Case No. 21-5507, Doc. No. 10.)


Petitioner’s Motion to Reopen cannot be entertained while his appeal of the dismissal of this case remains pending in the Sixth Circuit. “It is well settled that the filing of the notice of appeal with the district court clerk deprives the district court of jurisdiction to act in matters involving the merits of the appeal.” *United States v. Holloway*, 740 F.2d 1373, 1382 (6th Cir. 1984). Because “it is ‘generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously,’” the filing of the appeal “divests the district court of its control over those aspects of the case involved in the

appeal,” except for remedial matters not addressed to the appeal’s merits. *Id.* (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)).

The reopening of this matter is the relief Petitioner seeks before the Sixth Circuit. This Court therefore lacks jurisdiction to consider his Motion to Reopen. The Clerk is **DIRECTED** to remove the designation of that Motion (Doc. No. 30) as a pending motion.

The Clerk is further **DIRECTED** to forward a copy of this Order to the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

  
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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE